

# **MICRONESIA 2013 HUMAN RIGHTS REPORT**

## **EXECUTIVE SUMMARY**

The Federated States of Micronesia is a constitutional republic composed of four states: Chuuk, Kosrae, Pohnpei, and Yap. Individual states enjoyed significant autonomy and traditional leaders retained considerable influence, especially in Pohnpei and Yap. The elected unicameral national Congress selects the president from among its four members elected from at-large state districts. In 2011 Congress re-elected Emanuel Mori as president. The most recent elections for Congress, held in March, were considered generally free and fair. Authorities maintained effective control over the security forces. There were no reports that security forces committed human rights abuses during the year.

Discrimination and violence against women and widespread corruption continued to be the most prevalent human rights problems in the country.

Other reported human rights problems included judicial delays, domestic violence, trafficking in persons, and child neglect.

In some instances the government took steps to punish officials and their friends who committed abuses, but in many instances impunity was a problem.

### **Section 1. Respect for the Integrity of the Person, Including Freedom from:**

#### **a. Arbitrary or Unlawful Deprivation of Life**

There were no reports that the government or its agents committed arbitrary or unlawful killings.

#### **b. Disappearance**

There were no reports of politically motivated disappearances.

#### **c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment**

The constitution prohibits such practices, and in contrast to the previous year, there were no reports that government officials employed them.

## **Prison and Detention Center Conditions**

Prison and detention center conditions generally met international standards, and the government permitted visits by independent human rights observers.

Physical Conditions: At year's end the four states' prisons held 107 inmates, all male, including 20 pretrial detainees, in facilities with a total capacity of 150 inmates. Authorities usually held pretrial detainees within the same facilities but separately from convicted prisoners. They held four inmates with mental disabilities in separate cells in the prison due to lack of medical facilities for them. Due to a lack of facilities and community-based support services for treating persons with mental disabilities, the government housed some individuals with mental disabilities but no criminal background in jails. There were four persons held in this capacity but not charged with any crime.

There were no separate juvenile detention facilities, but two of the four states had designated cells for juveniles. The states seldom incarcerated juvenile offenders. The families of the perpetrator and the victim usually resolved crimes by juveniles in a traditional, mediation-based manner. There was one juvenile incarcerated during the year.

No deaths were reported in prisons. Prisoners and detainees had access to potable water.

Administration: Recordkeeping was adequate, and authorities sometimes used community service as an alternative to prison sentences for nonviolent offenders. There was no prison ombudsman to respond to complaints. Prisoners and detainees had reasonable access to visitors, and officials permitted them religious observance. Authorities permitted prisoners and detainees to submit complaints to judicial authorities without censorship and to request investigation of credible allegations of inhumane conditions, but they rarely investigated such allegations. The government has the obligation to investigate and monitor prison and detention center conditions, but no information was available publicly on whether it did so during the year.

### **d. Arbitrary Arrest or Detention**

The law prohibits arbitrary arrest and detention, and the government generally observed these prohibitions.

## **Role of the Police and Security Apparatus**

The national police are responsible for enforcing national laws, and the Department of Justice (attorney general) controls this force. The four state police forces are responsible for law enforcement in their respective states and are controlled by the directors of public safety of each state. Civilian authorities maintained effective control over the national and state police forces, and the government has effective mechanisms to investigate and punish abuse and corruption. There were no reports of impunity involving the security forces during the year.

## **Arrest Procedures and Treatment of Detainees**

Warrants are required for arrests, and authorities advised detainees promptly of the charges against them. Authorities must bring detainees before a judge for a hearing within 24 hours of arrest, a requirement generally observed. Courts released most arrested persons on bail. Detainees generally had prompt access to family members and lawyers. Not all detainees who requested help from the public defender's office received adequate legal assistance because of lack of funding and properly trained lawyers. Authorities held no suspects incommunicado or under house arrest.

### **e. Denial of Fair Public Trial**

The constitution provides for an independent judiciary, and the government generally respected judicial independence.

## **Trial Procedures**

The law provides for the right to a fair trial, and the judiciary generally enforced this right. Trials are public, although juveniles are allowed closed hearings. Judges conduct trials and render verdicts; there are no juries. Defendants enjoy a presumption of innocence and cannot be compelled to testify or confess guilt. They have the right to counsel and to adequate time and facilities to prepare a defense. They also have the right to be informed promptly and in detail of the charges, with free interpretation if necessary; present witnesses and evidence; confront witnesses against them; have access government-held evidence; and appeal convictions. The law extends these rights to all citizens.

## **Political Prisoners and Detainees**

There were no reports of political prisoners or detainees.

### **Civil Judicial Procedures and Remedies**

Individuals or organizations may seek civil remedies for human rights violations. The Supreme Court is responsible for hearing lawsuits seeking damages for, or cessation of, human rights violations.

### **f. Arbitrary Interference with Privacy, Family, Home, or Correspondence**

The constitution prohibits such actions, and the government generally respected these prohibitions.

## **Section 2. Respect for Civil Liberties, Including:**

### **a. Freedom of Speech and Press**

The constitution provides for freedom of expression but does not refer specifically to speech or the press; however, the government generally respected these rights. An independent press, an effective judiciary, and a functioning democratic political system combined to promote freedom of speech and press.

### **Internet Freedom**

There were no government restrictions on access to the internet or credible reports that the government monitored e-mail or internet chat rooms without appropriate legal authority. Internet access was available in all four states, but service was slow with frequent outages. According to the International Telecommunication Union, approximately 26 percent of the population used the internet in 2012.

### **Academic Freedom and Cultural Events**

There were no government restrictions on academic freedom or cultural events.

### **b. Freedom of Peaceful Assembly and Association**

The constitution provides for freedom of assembly and association, and the government generally respected these rights.

### **c. Freedom of Religion**

See the Department of State's *International Religious Freedom Report* at [www.state.gov/j/drl/irf/rpt/](http://www.state.gov/j/drl/irf/rpt/).

### **d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons**

The constitution provides for freedom of internal movement. Other laws allow for freedom of foreign travel, emigration, and repatriation. The government generally respected these rights.

#### **Protection of Refugees**

Access to Asylum: The law does not provide for the granting of asylum or refugee status, and the government has not established a system for providing protection to refugees. There were no formal requests for asylum or refugee status during the year.

### **Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government**

The constitution and law provide citizens the right to change their government peacefully, and citizens exercised this right through periodic, free, and fair elections based on universal suffrage.

#### **Elections and Political Participation**

Recent Elections: National congressional elections held in March generally were free and fair.

Political Parties: There are no restrictions on the formation of political groups, but there were no significant efforts to form organized political parties, and none existed. Candidates generally sought political support from family and allied clan groupings, religious groups, and foreign citizen communities.

Participation of Women and Minorities: Cultural factors in the male-dominated society limited women's representation in government and politics. Women were well represented in the middle and lower ranks of government at both the federal and state level but were scarcer in the upper ranks. At year's end women held the

cabinet-level positions of secretary of health and social services, secretary of justice, and budget director. There was one female associate justice on the national Supreme Court and one female associate justice on the Pohnpei State Supreme Court. The country's first female ambassador served as Permanent Representative to the United Nations. One woman ran unsuccessfully for national office in the March elections. There were two elected women in the Pohnpei State legislature. There were no women in the other state legislatures or the national legislature.

To the extent that the country is a multicultural federation, both the legislature and the executive included persons from various cultural backgrounds.

#### **Section 4. Corruption and Lack of Transparency in Government**

The law provides criminal penalties for corruption by officials, and the government sometimes implemented these laws effectively. Officials generally engaged in corrupt practices with impunity, however. Government corruption was a serious problem, particularly in Chuuk.

Corruption: The attorney general's office within the Department of Justice has primary responsibility for combating government corruption, including investigation and prosecution of individual cases. The office had sufficient resources. It operated independently and actively collaborated with civil society via a hotline operated by the Office of the National Public Auditor (ONPA) to encourage reporting of public complaints of corruption. ONPA referred some corruption cases to the Department of Justice during the year, and the department took action on them.

Whistleblower Protection: There are no laws providing protection to public and private employees for making internal disclosures or lawful public disclosures of evidence of illegality.

Financial Disclosure: There are no laws, regulations, or codes of conduct that require income and asset disclosure by public officials.

Public Access to Information: There is no national law providing for public access to government information. The speaker of Congress can declare any congressional documents confidential. State laws and practices varied. Legislative hearings and deliberations generally were open to the public. Information from other branches of government also was accessible; however, retrieval sometimes

was delayed by the loss or mishandling of records. There were no reported cases of government denial of access to media.

### **Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights**

Although there are no official restrictions, no local groups concerned themselves exclusively with human rights. Several groups addressed problems concerning the rights of women and children, and the government cooperated with these groups.

### **Section 6. Discrimination, Societal Abuses, and Trafficking in Persons**

The constitution and law provide explicit protection against discrimination based on race, gender, or language, but societal discrimination against women remained a problem. There are no laws against family violence. During the year all four state governments passed laws to combat trafficking in persons. These laws were designed to help implement the national antitrafficking legislation passed in 2012. There are no specific legal protections regarding social status, sexual orientation, or gender identity. There are some protections for persons with disabilities, but they are limited in scope.

#### **Women**

Rape and Domestic Violence: Sexual assault, including rape, is a crime. There is no specific law against spousal rape. Sexual assault involving a dangerous weapon or serious physical or psychological harm to the victim is punishable by up to nine years' imprisonment in Chuuk and 10 years' imprisonment in the other three states, and a fine of up to \$20,000 (the U.S. dollar is the national currency) in Kosrae and \$10,000 in the other states. If neither a dangerous weapon nor serious physical harm is involved, the assault is punishable in all states by up to five years' imprisonment or a fine. Due to social stigma, such crimes were underreported, and authorities prosecuted few cases. The police academy curriculum included programs to train police officers to recognize the problem. According to police and women's groups, there were a number of reports of physical and sexual assaults against women, both citizens and foreigners, outside the family context.

Reports of often severe domestic violence continued during the year. Although assault is a crime, there were no specific laws against domestic violence. Effective prosecution of offenses was rare. In many cases victims decided against initiating legal charges against a family member because of family pressure, fear of further

assault, or the belief that police would not involve themselves actively in what is seen as a private family problem. Within the traditional extended family unit, violence, abuse, and neglect directed against spouses or children were deemed offenses against the family, not just the individual victims, and were addressed by a complex system of familial sanctions. Traditional methods of coping with family discord were breaking down with increasing urbanization, monetization of the economy, and greater emphasis on the nuclear family, however. No government entity, including the police, has succeeded in replacing the extended family system or in addressing the problem of family violence directly.

There were no governmental facilities to shelter and support women in abusive situations. In Chuuk there was a private facility for women's groups, funded by a foreign government, but it did not include a shelter. The Pohnpei Department of Public Safety's program of domestic violence education included a hotline and training of its officers to handle domestic violence situations.

Sexual Harassment: The law does not prohibit sexual harassment, and anecdotal reports suggested it did occur.

Reproductive Rights: Couples and individuals have the right to decide the number, spacing, and timing of children, and the information and means to do so free from discrimination. Access to contraception, prenatal care, skilled attendance at delivery, and postpartum care were widely available through private and public medical facilities. In 2010 the maternal mortality rate was estimated as 100 per 100,000 live births, a decrease from an estimated 128 per 100,000 live births between 2005 and 2009. According to indicators published by the Population Reference Bureau, skilled health personnel attended an estimated 80 percent of births, and an estimated 46 percent of married women ages 15-49 used modern contraceptive methods. The government conducted public information campaigns on reproductive health matters through posters and billboards; other types of local media were not readily available.

Discrimination: Women have equal rights under the law, including the right to own property, and there were no institutional barriers to education or employment. The largest employers were the national and state governments, and female employees received equal pay for equal work. The public sector comprised approximately half of the country's jobs, with 5,000-plus in state and municipal government positions and approximately 2,500 in national government and government agencies or public enterprises. Societal discrimination against women continued, however, and cultural mores encouraged differential treatment for



women. Nonetheless, women were active and increasingly successful in private business. For example, a number of women ran successful retail businesses in all four states. A national women's working group composed of female national government employees, including the secretary of health and social services, was formed to advise the government. Additionally, several small nongovernmental organizations were interested in women's problems, particularly those associated with family violence and abuse. The Women's Interest Section of the Department of Health and Social Services worked to protect and promote women's rights.

## **Children**

Birth Registration: A child acquires citizenship if one or both parents are citizens. Individual states maintain birth records. Kosrae State requires registration within two weeks after a birth. In the other three states, registration takes place for hospital births, but on remote outer islands there are no hospitals, and children are not registered until and unless they come to a main island for education.

Education: By law education is free and compulsory from age six through age 14 or completion of eighth grade; many students leave school before that.

Child Abuse: Child abuse is illegal, although the constitution provides for a right of parental discipline. Cultural attitudes regarding parental discipline limited the reporting of abuse, and there were anecdotal reports of child abuse and neglect. The government did not make any efforts to combat child abuse or neglect.

Forced and Early Marriage: The minimum legal age for marriage is 18 for boys and 16 for girls, except that girls under age 16 may marry with parental consent. According to 2010 census data, the mean age of first marriage for the country as a whole was 26.5 years. The lowest recorded mean age of first marriage was 20.1 years in the culturally traditional Yap outer islands.

Sexual Exploitation of Children: The national law against trafficking in persons sets a maximum penalty of 30 years' imprisonment and a \$50,000 fine for knowingly recruiting, transporting, transferring, harboring, or exploiting anyone under age 18. The states' statutory rape laws apply to children age 13 and below in Chuuk, Yap, and Kosrae and age 15 and below in Pohnpei. The maximum penalties vary by state--Chuuk: five years' imprisonment, \$5,000 fine; Kosrae: 10 years, \$20,000 fine; Yap: 10 years, \$10,000 fine; and Pohnpei: five years, \$5,000 fine. Only Pohnpei has a statute prohibiting child pornography. Both Chuuk and Pohnpei have provisions against filming explicit movies of underage children; Yap

and Kosrae have no such provisions. Both Chuuk and Pohnpei impose a penalty of six months' imprisonment for violations. The government generally enforced these laws when cases were reported.

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

### **Anti-Semitism**

There were no known Jewish communities in the country, and there were no reports of anti-Semitic acts.

### **Trafficking in Persons**

See the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip](http://www.state.gov/j/tip).

### **Persons with Disabilities**

The law prohibits discrimination in public service employment against persons with physical disabilities. No law prohibits discrimination against persons with physical, sensory, intellectual, or mental disabilities in private-sector employment, education, air travel and other public transportation; access to health care; or provision of other state services. Neither laws nor regulations mandate accessibility to public buildings or services for persons with disabilities. Many buildings had ramps or only one story. There was one elevator in the two-story Pohnpei State government building. No policies or programs ensured access to information and communications for persons with disabilities.

By law children with disabilities have the right to special education and training up to age 21. There were no special education schools. The government provided children with disabilities, including learning disabilities, the right to special education in mainstream schools, and instruction at home if necessary and if foreign funding was available. Such funding was available during the year, but special education programs had some difficulties serving all eligible children, with transportation problems cited as one factor impeding participation.

Due to a lack of facilities and community-based support services for treating persons with mental disabilities, the government housed some individuals with mental disabilities but no criminal background in jails. Authorities provided

separate rooms in jails for persons with mental disabilities, and state health departments provided medication as part of their programs to provide free treatment to all residents with mental disabilities.

The national health services department is responsible for protecting the rights of persons with disabilities but does not provide significant services.

### **National/Racial/Ethnic Minorities**

Each of the country's four states has a different language and culture. Traditionally the state of Yap had a caste-like social system with high-status villages, each of which had an affiliated low-status village. In the past those who came from low-status villages worked without pay for those with higher status in exchange for care and protection from those of higher status. The traditional hierarchical social system has been gradually breaking down, and capable persons from low-status villages can rise to senior positions in society. Nonetheless, the traditional system affected contemporary life. Persons from low-status backgrounds tended to be less assertive in advocating for their communities' needs, and authorities sometimes continued to underserve low-status communities.

The national and state constitutions prohibit noncitizens from purchasing land, and foreign investment laws limit the types of businesses noncitizens can own and operate. The national Congress granted citizenship to non-Micronesians only in rare cases. There is no permanent residency status. For the most part, however, noncitizens shared fully in the social and cultural life of the country.

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

There are no laws criminalizing consensual same-sex sexual conduct between adults. There are no laws prohibiting discrimination against lesbian, gay, bisexual, or transgender (LGBT) persons in such areas as employment, housing, or access to education and health care. There were no known reports of violence, official or societal discrimination, or workplace discrimination against LGBT persons. The culture stigmatizes public acknowledgement or discussion of certain sexual matters, however, including sexual orientation and gender identity, and it was rare for individuals to identify themselves publicly as LGBT persons.

### **Other Societal Violence or Discrimination**

There were no reports of societal violence or discrimination against persons with HIV/AIDS or other groups.

## **Section 7. Worker Rights**

### **a. Freedom of Association and the Right to Collective Bargaining**

Although the law does not specifically provide for the right of workers to join a union, under the constitution citizens have the right to form or join associations, and by law national government employees can form associations to “present their views” to the government without being subject to coercion, discrimination, or reprisals. The law prohibited no workers, including foreign workers, from joining unions, but for a variety of reasons – including the facts that most private-sector employment was in small-scale, family-owned businesses and the majority of the remaining working-age population was engaged in subsistence farming and fishing – there were no unions. No law deals specifically with trade unions or with the right to collective bargaining.

There is no specific right to strike, but no law prohibits strikes. There were no employment-related disputes or demonstrations during the year.

### **b. Prohibition of Forced or Compulsory Labor**

The constitution and law prohibit forced or compulsory labor. The national antitrafficking law provides for penalties of up to 15 years’ imprisonment for violators, or up to 30 years if there are aggravating factors. During the year the government investigated allegations of forced labor among foreign nationals working aboard fishing boats. It did not report any prosecutions or convictions for forced labor offenses.

Also see the Department of State’s *Trafficking in Persons Report* at [www.state.gov/j/tip](http://www.state.gov/j/tip).

### **c. Prohibition of Child Labor and Minimum Age for Employment**

National and state laws do not establish a minimum age or prescribe limits on hours or occupations for employment of children. There was no employment of children for wages, but children often assisted their families in subsistence farming and family-owned shops.

**d. Acceptable Conditions of Work**

The minimum hourly wage for employment with the national government was \$2.65. All states had a minimum hourly wage for government workers: \$2.00 in Pohnpei, \$1.25 in Chuuk, \$1.42 in Kosrae, and \$1.60 in Yap. Pohnpei also has a minimum wage for private sector workers: \$1.75 per hour. The minimum wage was monitored through the tax system, and this mechanism was believed to be effective. The law requires equal pay for equal work. Statistics were not readily available, but salaried persons were relatively well off. Approximately half of workers were in the informal economy, predominantly in subsistence agriculture and fishing.

National law sets a standard of an eight-hour day and a five-day workweek, with premium pay for overtime. There are no legal provisions prohibiting excessive or compulsory overtime, but such overtime was not a problem. A federal regulation requires that employers provide a safe workplace.

The Division of Immigration and Labor within the Department of Justice is responsible for enforcing the above standards and has 37 labor inspectors throughout the country. The government were generally effectively enforced these standards, and provided sufficient resources for effective enforcement. Working conditions aboard some foreign-owned fishing vessels operating in the country's waters continued to be very poor, however. Crewmen reported incidents of injuries, beatings by officers, and nonpayment of salary.